



MADRAS LEGISLATIVE ASSEMBLY DEBATES

OFFICIAL REPORT

SATURDAY, 28TH JUNE 1952

VOLUME II—No. 2

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THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, 28th June 1952.

The House met in the Legislative Assembly Chamber, Government Estate, Mount Road, at half past eight of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—HOURS OF SITTING OF THE ASSEMBLY.

SRI VAVILALA GOPALAKRISHNIAH :—“అధ్యక్షా, ఈ అసెంబ్లీ సమావేశం నిబంధనలరీత్యా (21 వ క్లాజ్ ప్రకారం) సమావేశం పగలు 11 గంటలు సాయంత్రం 5 గంటల మధ్య జరుగుటవలసి యున్నది. కాని ఈ సమావేశం ఉదయం 8-30 గంటలకే ప్రారంభించడం నిబంధనావల్లని అనుసరించి కాదు. నిబంధనలలో మార్పులు చేయకుండా సమావేశ కాలాన్ని మార్చగూడదని point of order raise చేస్తున్నాను.”

MR. SPEAKER :—“The time given in the rule can be changed by me with the consent of the Leaders of Parties. I consulted them and they agreed to the revised timing. The hon. Member will now resume his seat.”

Sri Vavilala Gopalakrishniah was heard to say something.

MR. SPEAKER :—“Order, order. I have given the ruling.”

Sri Vavilala Gopalakrishniah continued to say something.

MR. SPEAKER :—“I will allow the hon. Member to say what he wants to say, later on.”

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

** Statement made by the Hon. the Chief Minister regarding Linguistic Provinces.*

* 1 Q.—**SRI T. VISWANATHAM :—**“Will the Hon. the Chief Minister be pleased to state—

(a) whether he made any statement last month (April 1952) before a Press Conference on the subject of Linguistic Provinces;

(b) if so, what it was; and

(c) what are the steps which the Government propose to take to implement the promise to form an Andhra Province without delay?

THE HON. SRI C. RAJAGOPALACHARI :—“(a) I did express some opinions which have been published.

“(b) & (c) I need not go on repeating my opinions. They are no more than opinions. The Government of India will take all opinions and facts into account when they deem the time has arrived for a step to be taken.”

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SRI T. VISWANATHAM :—“ In sub-clause (c), I did not ask for the opinion of the Hon. the Chief Minister. I am asking what steps the Government propose to take to implement the promise to form an Andhra Province.”

THE HON. SRI C. RAJAGOPALACHARI :—“ This Government are not in a position to take any fresh steps. The matter has been very thoroughly discussed and time and again matters have been represented to the Government of India. This Government do not feel that they can do anything useful at the present moment. If the House wants to make any representation to the Government of India, it will certainly be in a position to do so.”

SRI T. VISWANATHAM :—“ May I know whether the Hon. the Chief Minister has addressed any communication to the Prime Minister of India on the subject, suggesting that no steps need be taken within a year? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ If the question means that the hon. Member has been told that I have written such a letter, I categorically say ‘ No ’.”

SRI PILLALAMARRI VENKATESWARLU :—“ On the basis of the correspondence between the late Sardar Patel and Mr. T. Prakasam, may I know whether this Government are going to recommend the immediate formation of the Andhra Province? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ This correspondence was well known to the Members of the Government of India and to some of us here. There is nothing new which, as I have already said, I can do now, Sir.”

SRI VAVILALA GOPALAKRISHNIAH :—“ అధ్యక్షా, పార్టీకి కమిటీ రిపోర్టు ప్రకారంగా అగ్ర రాష్ట్రాన్ని పెంటే నిర్మించవలసిందని కేంద్ర ప్రభుత్వానికి recommend చేయడానికి మద్రాసు ప్రభుత్వం తయారుగా ఉన్నదా? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ This is being reduced to a debate. I must say once for all that it is for the Government of India to decide, and any correspondence and exchange of views depend entirely on the situation that arises from time to time. I am not prepared to express, in reply to the hon. Member's question, what I shall do when the Government of India ask me.”

SRI T. VISWANATHAM :—“ My question was whether the Hon. the Chief Minister had addressed any communication to Sri Jawaharlal Nehru or the Prime Minister of India suggesting that no steps need be taken within one year. Is he aware of a press report that his letter was read at a meeting of the Working Committee of the Indian National Congress? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ The terms in which my Friend gave the correspondence are not correct,

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and I am not prepared to reveal the correspondence between me and the Prime Minister in exact terms. I have already said that the quotation is wrong and I did not send such a letter."

SRI T. VISWANATHAM :—" When the Hon. the Chief Minister says that what I have said is incorrect, it is up to him to tell us what is correct. I do not want the exact terms. May I know the gist of his communication to the Prime Minister? "

THE HON. SRI C. RAJAGOPALACHARI :—" No Sir. It is not in the public interest to disclose such correspondence in the House."

SRI P. RAMAMURTHI :—" Holding as he does, the position of the Chief Minister of this State, does he not think that his correspondence on a matter of such importance affecting the Andhra people should be known to the people? "

THE HON. SRI C. RAJAGOPALACHARI :—" I am quite aware of the duties of my position and the obligations following therefrom and I am quite prepared to say that the matter is important. But I am in a position to reaffirm that correspondence between the Prime Minister of India and the Chief Minister here which is of a confidential character cannot be disclosed whatever the subject-matter may be. Occasions for such correspondence arise every day and correspondence will become useless and meaningless if we make it a matter for public discussion."

SRI T. VISWANATHAM :—" May I know . . . "

MR. SPEAKER :—" It is becoming more or less a cross-examination."

SRI T. VISWANATHAM :—" Under what provision of law is the correspondence treated as confidential? "

THE HON. SRI C. RAJAGOPALACHARI :—" These are letters from one gentleman to another and gentlemen's correspondence is always private."

Pennar-Kumudavathi Scheme.

* 2 Q.—SRI T. VISWANATHAM : " Will the Hon. the Minister for Public Works be pleased to state—

(a) what the present stage of progress of the Pennar-Kumudavathi scheme is; and

(b) when it is likely to be completed?

THE HON. SRI N. RANGA REDDI :—" (a) The major portion of the anicut, and the head sluices have been built. The excavation of two leading channels from the scouring sluices of the anicut is in progress, and all supply channels, except Subbaroyapalli channel, taking off from the two leading channels have been completed but for the bridging of a few gaps and crossings.

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“(b) The project is expected to be completed in December 1952.”

SRI T. VISWANATHAM :—“ Will the Hon. Minister for Public Works be pleased to say whether this is one of the projects in respect of which instructions have been issued for slowing down? ”

THE HON. SRI N. RANGA REDDI :—“ There is no question of this project being slowed down.”

SRI PILLALAMARRI VENKATESWARLU :—“ May know whether instructions have been issued to slow down any other projects? ”

THE HON. SRI N. RANGA REDDI :—“ I want notice.”

SRI PILLALAMARRI VENKATESWARLU :—“ May I know whether instructions have been issued for slowing down any projects, at least so far as Anantapur district is concerned? ”

THE HON. SRI N. RANGA REDDI :—“ There is no point in putting the same question in another form. I want notice; I cannot carry all these things in my head.”

SRI T. NAGI REDDI :—“ This is a very important matter as it relates to the projects in a famine area, and as the Hon. Minister for Public Works comes from that famine area he can very easily give the answer. I would request him to give us information as to whether he has sent any instructions for slowing down the execution of projects there. This is not a question for answering which he requires any time? ”

THE HON. SRI N. RANGA REDDI :—“ Let the hon. Member put down a separate question. I will get the required information and give him.”

SRI P. RAMAMURTHI :—“ Is the Hon. Minister aware that the question of slowing down the execution of projects is a general one for answering which notice is absolutely unnecessary? ”

THE HON. SRI N. RANGA REDDI :—“ I do not think so.”

Appointment of Regional Transport Officers.

* 3 Q.—SRI T. VISWANATHAM : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether any Regional Transport Officers' posts were filled during the months of January, February and March 1952, either by direct recruitment or by promotion; and

(b) if so, what are the names of the persons posted and what were the posts held by them previous to such appointments?

THE HON. DR. U. KRISHNA RAO :—“ (a) One post of Regional Transport Officer was filled during the period. The appointment was made on 28th March 1952.

“(b) The name of the officer appointed is Sri K. Subramanyam. He was a Superintendent in the Public Department.”

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SRI V. BALAKRISHNAN :—“ What are the qualifications of the gentleman who has been appointed? ” 8-45 a.m.

THE HON. DR. U. KRISHNA RAO :—“ He was already a Government servant. He was a Superintendent in the Public Department and he was directly recruited to the post of Regional Transport Officer.”

SRI P. RAMAMURTHI :—“ What are the qualifications of this gentleman to entitle him to be drafted on to the Transport department? ”

THE HON. DR. U. KRISHNA RAO :—“ At the present moment there are no special qualifications prescribed. The points taken into consideration were the suitability of the officer for the job, his general conduct and his ability to deal with men and matters. The Government thought that he was the most suitable person for the job.”

SRI PILLALAMARRI VENKATESWARLU :—“ May I know, Sir, whether there are no other persons fit for this job? ”

THE HON. DR. U. KRISHNA RAO :—“ There may be. But in the opinion of the Government, he was the best qualified person for the job.”

SRI T. VISWANATHAM :—“ Is the Hon. Minister aware, Sir, that there was a Government Order to the effect that new posts should not be filled up during the last week of March as that was a transitional period? ”

THE HON. DR. U. KRISHNA RAO :—“ Notice.”

SRI V. R. NAGARAJAN :—“ Sir, was the Madras Public Service Commission consulted in the matter? ”

THE HON. DR. U. KRISHNA RAO :—“ At the present moment, these appointments are not made in consultation with the Public Service Commission.”

SRI P. RAMAMURTHI :—“ Will the Hon. Minister consider the necessity of laying down certain qualifications for appointments to these technical posts? ”

THE HON. DR. U. KRISHNA RAO :—“ The Government will consider the suggestion.”

Fertilizer factory in Travancore.

* 4 Q.—SRI V. BALAKRISHNAN : Will the Hon. Minister for Industries and Labour be pleased to state—

(a) the amount invested by the Madras Government in the capital of the Fertilizer factory in Travancore;

(b) who are its promoting agents and managing agents;

(c) when the investment was made; and

(d) what the yearly dividend is?

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THE HON. DR. U. KRISHNA RAO :—“(a) Rs. 40 lakhs.

“(b) A statement * showing the names of the promoters of the company is placed on the table of the House. Messrs. Seshasayee & Brothers (Travancore), Limited, are the managing agents of the company.

“(c) The investment was made up of Rs. 20 lakhs in 1945 and the remaining Rs. 20 lakhs in the year 1948.

“(d) The company have declared for the first time so far, a dividend at the rate of 2½ per cent on the shares for the year ended 31st December 1950.”

SRI R. V. SWAMINATHAN :—“May I know, Sir, whether the Government have made any agreement with this company for supply of fertilizers to this State, and if so, what is the percentage of the total production that is to be supplied?”

THE HON. DR. U. KRISHNA RAO :—“The company have agreed to supply, in addition to 40 per cent of their output of ammonium sulphate, 25 per cent of their output of superphosphates which have been newly manufactured by them.”

Reorganization of the municipal administration in the State.

* 5 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Local Administration be pleased to state the action taken by Government on the report of the Committee constituted in G.O. Ms. No. 2313, L.A., dated 11th November 1949, in respect of the reorganization of the municipal administration in this State?

THE HON. SRI N. SANKARA REDDI :—“The various recommendations of the Committee have been examined in detail in consultation with the heads of departments and Secretariat departments concerned. Government will shortly take a decision on them.”

SRI V. V. RAMASWAMI :—“May I know, Sir, the earliest date when the Government will take measures to implement the Committee's recommendations?”

THE HON. SRI N. SANKARA REDDI :—“It is in the consideration stage. Decisions will be taken soon.”

SRI P. VENKATESWARLU :—“May I know, Sir, what are the recommendations of that Committee?”

THE HON. SRI N. SANKARA REDDI :—“Notice.”

SRI P. RAMAMURTHI :—“Is the Hon. Minister aware that copies of the Committee's report are not available in the Government Press, and will the Government take steps to see that the report is published?”

THE HON. SRI N. SANKARA REDDI :—“The suggestion will be considered.”

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SRI P. RAMAMURTHI :—“ Will the Government make copies of the report available to the Members of the House immediately? ”

THE HON. SRI N. SANKARA REDDI :—“ It is not possible to do so immediately. The suggestion made by the hon. Member will be considered.”

Taking over of the Punganur Estate by the Government.

* 6 Q.—SRI B. KRISHNAMURTHI RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the reason for not taking over the Punganur Estate in Chittoor district by the Government; and

(b) whether any representations were made to the Government by the ryots of the Punganur Estate, Chittoor district, requesting the Government to take over the estate, and if so, the action taken thereon?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ (a) Punganur zamindari estate in the Chittoor district was notified under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, to be taken over by the Government on 7th September 1950. The estate has however not yet been taken over as the High Court has restrained the Government from taking possession of the estate, forests, accounts, registers or documents or from interfering with the collection of arrears of rent due to the landholder from the tenants.

“ (b) No such representations have been received by the Government.”

MR. SPEAKER :—“ I wish to know from the Hon. Minister whether the matter is pending before a court? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Yes, Sir.”

MR. SPEAKER :—“ No supplementary questions shall be allowed as the matter is *sub judice*. I pass on to the next question.”

Number of prisoners of various categories.

* 7 Q.—SRI Y. ADINARAYANA REDDI : Will the Hon. the Minister for Law be pleased to state—

(a) how many prisoners there are in various jails in Madras State on account of prohibition offences at present; and

(b) how many detenus there are and how many politicals there are still in prisons in Madras State?

THE HON. SRI K. P. KUTTIKRISHNAN NAYAR :—“ (a) Number of prisoners on account of Prohibition offences—5,094.

“ (b) Detenus—2.

Politicals—Nil.”

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SRI T. NAGI REDDI :—“ Sir, are the Government aware that many of the political prisoners are being treated as criminals, and to say that there are no political prisoners in this State is not correct? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, such supplementary questions really, I may be permitted to say, are primary questions, which should be addressed to another Minister.”

SRI T. NAGI REDDI :—“ Sir, the answer that has been given to a question, which is a definite question, is not correct. Hence the supplementary question is put whether the Government really think that there are no political prisoners at all when there are some thousands of political prisoners in this State, especially the Chief Minister's own Tamilnad? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Again, Sir, it is a debate. I should like to submit through you to the hon. Member that I am not at all unwilling to answer such questions if put properly. But there is no good in getting a snap answer from one who is not in charge of that particular department and who is not conversant with the facts.”

MR. SPEAKER :—“ What the Hon. the Chief Minister means is that Prohibition is not in the portfolio of the Hon. Minister who answered the question. The answer to the supplementary question put by the hon. Member is to be given by some other Hon. Minister. A separate question may therefore be put.”

SRI T. VISWANATHAM :—“ Clause (b) of the question is a definite question. It asks how many detenus there are and how many politicals there are still in the prisons in the Madras State. The Hon. Minister was pleased to answer this question. It is not a snap question or a snap answer. I suppose, Sir, some more information will be vouchsafed to us.”

THE HON. SRI C. RAJAGOPALACHARI :—“ If the object is to get information, I suggest a way of getting it. But if the object is merely to discuss, I say it will not lead to anything. Even as it is, I can say that a crime is a crime whatever the motive may be. If a murder is committed by a political for a political purpose, it is murder, and the prisoner does not cease to be a criminal on account of his political motive.”

SRI T. NAGI REDDI :—“ May I know, Sir, why the Hon. Minister for Law took the responsibility of giving such an answer to this House, while the Hon. Minister for Prohibition himself might have answered that question, and we might have put supplementary questions to him? The Hon. Minister for Law need not have said in this House that there are no political prisoners in this State. This information will reach the public and they will think that there are no political prisoners in this Government of Rajaji? ”

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THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, so far as the answer is concerned, it is correct to say that there are no such prisoners as were referred to; but if the present supplementary question seeks to make a distinction and raise an iron wall between crime and political motive, I say it is a question which I should be able to answer if put to me separately.”

Report of the Special Officer regarding the Amindivi Islands.

* 8 Q.—SRI B. VAIKUNTA BALIGA : Will the Hon. the Minister for Rural Welfare be pleased to state—

(a) whether a Special Officer was appointed to inspect the Amindivi Islands;

(b) if so, whether the Government will be pleased to publish the report, if any, submitted by him or place it on the table of the House;

(c) what action do the Government propose to take on the recommendations contained therein;

(d) whether the Government propose to transfer the Amin-divi group of islands at present attached to South Kanara district to Malabar district for purposes of administration; and

(e) if so, whether the wishes of the people of the islands were ascertained in this behalf?

THE HON. SRI S. B. P. PATTABHI RAMA RAO :—“ (a) Yes.

“(b) No. The report is being examined and it is too soon to say anything at this stage.

“(c) to (e) The Government have called for the remarks of the Board of Revenue on the various recommendations of the Special Inspecting Officer, and the Revenue Board is examining the report. It is premature to say anything in the matter just at present.”

SRI P. RAMAMURTHI :—“ Sir, when was this report submitted to the Government? ”

THE HON. SRI S. B. P. PATTABHI RAMA RAO :—“ The report was submitted at the end of March, and it was sent to the Board of Revenue in April.”

SRI PILLALAMARRI VENKATESWARLU :—“ Will the Government be pleased to publish the report at least for the use of the Members of this House? ”

THE HON. SRI S. B. P. PATTABHI RAMA RAO :—“ As I have said already, it is premature to say anything now before the report has been examined fully.”

SRI PILLALAMARRI VENKATESWARLU :—“ How is it premature, Sir? ”

THE HON. SRI S. B. P. PATTABHI RAMA RAO :—“ The report is being examined. Only after the examination is complete, it may be published.”

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Construction of a tank in Illur village, Anantapur taluk.

* 9 Q.—SRI T. NAGI REDDI: Will the Hon. the Minister for Public Works be pleased to state whether the Government have proposed to take up the construction of a tank for irrigation in Illur village of Anantapur taluk?

THE HON. SRI N. RANGA REDDI:—“ The Government examined the possibility of restoring the breached tank at Illur village, Anantapur taluk, but found that it would not be feasible, as it involved the submersion of a greater cultivable area compared to the area to be irrigated.”

SRI T. NAGI REDDI:—“ May I know, Sir, the acreage of land that will be irrigated by the tank and the acreage that will be submerged if the tank is to be constructed? ”

THE HON. SRI N. RANGA REDDI:—“ Two alternative proposals were put forward. One was to irrigate about 100 acres and another to irrigate about 70 acres. But the land to be submerged is about 160 acres, which is a very valuable land and lot of compensation will have to be paid for it.”

SRI T. NAGI REDDI:—“ May I ask, Sir, whether the Government know that the land that would be irrigated by the tank belongs mostly to Harijans and poor peasants and that the land to be submerged is only dry land which is not worth as much as the land to be brought under irrigation, and hence it will be much more useful to the people of the village to construct the tank? Therefore, when there is a proposal to bring greater extent of land under irrigation, why should not this dry land be submerged? ”

THE HON. SRI N. RANGA REDDI:—“ As I have already said, it is not correct to say that a greater extent of land will be irrigated by the tank.”

(Sri T. Nagi Reddi rose to speak.)

MR. SPEAKER:—“ This sort of cross-examination must cease.”

THE HON. SRI N. RANGA REDDI:—“ I can only say that the land to be irrigated is much less in extent than the land to be submerged. I have no information whether the lands to be irrigated belong to Harijans or to any other community.”

SRI V. BALAKRISHNAN:—“ Sir, what is the exact extent of land to be submerged and the extent to be irrigated? ”

THE HON. SRI N. RANGA REDDI:—“ The extent of land that is to be submerged is 160 acres. The extent of land to be irrigated is 100 acres according to one proposal and 70 acres according to another proposal.”

SRI T. NAGI REDDI:—“ May I tell the Hon. Minister, Sir, that the land which is to be submerged is land within the tank, which was given out on patta when the tank went out of use, and hence it is Government land for the present, and the Government can construct the tank if they want to? ”

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THE HON. SRI N. RANGA REDDI :—" I do not know what the hon. Member means. The land belongs to private individuals. (Interruptions.) It has been given to individuals, and they are in possession of it now. The Government will have to pay compensation if they want to take back the land now."

SRI PILLALAMARRI VENKATESWARLU :—" May I 9 a.m. know, Sir, whether the pattas given were given to really poor people or to rich people? "

THE HON. SRI N. RANGA REDDI :—" I suggest to the hon. Gentleman to put a separate question as I have not got the information on hand."

DR. K. B. MENON :—" When the Government agreed to submerge thousands of acres of land on account of the Malampuzha Project, lands that were very good"

MR. SPEAKER :—" The supplementary question relates to the Malampuzha Project. The hon. Member may put a separate question."

Printing of bus passenger tickets in England.

* 10 Q.—SRI T. VISWANATHAM : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether any bus passenger tickets for the City Transport department are printed in England;

(b) if so, how many have been printed and at what cost; and

(c) whether any quotations were called for or any advertisement was made inviting quotations before the order for printing the tickets was placed with an English firm in England?

THE HON. DR. U. KRISHNA RAO :—" (a) & (b) Passenger tickets of the City Transport are usually got printed locally, but in May 1949 a sample order for the supply of twenty lakhs of tickets of various denominations, covering a week's consumption of the Government Bus Service, was placed with Messrs. Eastern Scales, Limited, Madras, who undertook to supply English made tickets much superior in quality and get up and printed on both sides with double colour at the rate of Rs. 100 per lakh of tickets, as against the local rate of Rs. 100 to Rs. 110 per lakh of tickets.

" (c) As the order was only a trial order and the quality compared favourably with the local purchases, quotations were not invited."

SRI T. VISWANATHAM :—" May I know what the total cost of printing these tickets was? "

THE HON. SRI C. RAJAGOPALACHARI :—" The hon. the Leader of the Opposition wants to know the cost of an experiment made in 1949. How can it be expected to be answered now by way of answer to a supplementary question? "

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SRI T. VISWANATHAM :—“ I thought the Hon. Minister was saying that it was a week's supply. But I have got in my hand the tickets which were being sold at the time of putting my question. Certainly it was not a week's supply. So, may I know how many tickets the Government got from the firm and whether they are continuing the order? ”

THE HON. DR. U. KRISHNA RAO :—“ I have just mentioned in my reply that we got twenty lakhs of tickets printed at the rate of Rs. 100 per lakh.”

SRI P. RAMAMURTHI :—“ Will the Government consider the suggestion that it is inadvisable to place orders in England as that is not the way of encouraging Swadeshi? ”

THE HON. DR. U. KRISHNA RAO :—“ As I told the hon. Gentleman, tickets are now being printed locally only.”

SRI P. RAMAMURTHI :—“ Will the Hon. Minister give a categorical answer that the Government will not hereafter place orders in England in such matters? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Now, I want to tell the hon. Gentleman that the Government will not be able to do so as a matter of policy for the future.”

SRI R. V. SWAMINATHAN :—“ May I know whether the Hon. Minister will now consider the desirability of placing a fresh order in Russia to test the quality of the tickets that will be printed in Russia? ”

SRI P. RAMAMURTHI :—“ We want everything to be done in India. We do not want orders to be placed in foreign countries.”

THE HON. DR. U. KRISHNA RAO :—“ The present policy is to print tickets in Madras. If the Government decide to print them elsewhere, the suggestion of the hon. Member will be considered.”

SRI S. DEIVASIGAMANY :—“ Will the Government consider the advisability of printing the tickets either in the Government Press or in the Madras Penitentiary? ”

THE HON. DR. U. KRISHNA RAO :—“ The Government will consider the hon. Member's valuable suggestion.”

SRI PILLALAMARRI VENKATESWARLU :—“ In answer to a previous question, it was said that the order was a sample order. May I know how the order for printing twenty lakhs of tickets which are being issued even to-day can be called a sample order? ”

THE HON. DR. U. KRISHNA RAO :—“ As I said, my information is that only twenty lakhs of tickets—a week's consumption—were printed, and I think the hon. Gentleman will agree that the order for printing a week's consumption of tickets can reasonably be considered a sample order.”

SRI PILLALAMARRI VENKATESWARLU :—“ They are issued even to-day. So, how can they be called a week's supply? ”

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THE HON. DR. U. KRISHNA RAO :—“ I want notice of this question.”

MR. SPEAKER :—“ Questions are over.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III.—ADJOURNMENT MOTION *RE* PROMULGATION OF AN ORDER UNDER SECTION 41 OF THE MADRAS CITY POLICE ACT.

MR. SPEAKER :—“ The hon. Member Sri P. Ramamurthi has given notice of a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance. The motion reads as follows :—

“ That the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, the promulgation of an order under section 41 of the Madras City Police Act on 20th June 1952, prohibiting assemblies and processions around the Assembly Buildings during the period of the current session of the Assembly.”

I would like to know what the hon. Member wants to say on the question of admissibility. The hon. Member should not make a speech on the motion proper but he should only explain how it can be considered a matter of urgent public importance.”

SRI P. RAMAMURTHI :—“ Mr. Speaker, Sir, I do not now propose to go into the merits of the case. But I shall just briefly state the facts. On the 20th of this month the Commissioner of Police, Madras, issued an order under section 41 of the City Police Act, prohibiting assemblies and meetings around this House for a period of one month from yesterday. Sir, during the last session, an order under section 144, Criminal Procedure Code, prohibiting meetings and assemblies was issued, which was valid only for a day. This time the Commissioner of Police has gone a step forward or backward as this side or the other side of the House may understand it, and applied the provisions of section 41 of the City Police Act to prohibit assemblies and processions round about the Assembly Chamber for a period of one month from yesterday, that is, for the entire period of this session of the Assembly. During the last session, a motion for adjournment of the business of the House was moved and you, Sir, ruled it out on the ground that the Act itself provided a remedy by allowing recourse to the Court. But now under section 41 of the City Police Act, there is no provision for us to seek redress.”

MR. SPEAKER :—“ There are other ways open to the hon. Member to seek redress.”

SRI P. RAMAMURTHI :—“ I would like to say that this is a matter of urgent public importance because the order was in force yesterday, and will continue to be in force so long as this

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Assembly is sitting. I know that during the course of the Budget Debate there will be an occasion to discuss this matter, for example, when the Police Demand is taken for discussion."

MR. SPEAKER :—" The hon. Member can raise this point even during the general discussion on the Budget."

SRI P. RAMAMURTHI :—" Sir, I would like to say that the Rules also provide for another way of seeking redress."

MR. SPEAKER :—" The motion also offends the rule of anticipation."

SRI P. RAMAMURTHI :—" I do not understand what the Hon. the Speaker means by the ' rule of anticipation '."

MR. SPEAKER :—" When the House has an opportunity to discuss a matter in the near future, it should not be brought before this House by way of an Adjournment Motion. That is what is meant by the ' rule of anticipation '."

SRI T. VISWANATHAM :—" May I submit, Sir, that the rule of anticipation comes into operation only if the subject is on the agenda? If the subject is not on the agenda, there is no question of the rule of anticipation."

MR. SPEAKER :—" When there is reason to think that the matter will come up before this House within a reasonable time, I think the rule of anticipation comes into operation."

* SRI T. VISWANATHAM :—" I submit, Sir, both what I said and what you said must be combined for this purpose. The subject must be on the agenda and there must also be a reasonable chance of its coming up before the House within a reasonable time."

MR. SPEAKER :—" The Budget Session has already begun."

* SRI T. VISWANATHAM :—" The Budget Session is for debating several matters. But here there must be a specific matter on the agenda and there should be a reasonable chance of its being discussed shortly. When both these conditions are fulfilled, certainly there would arise the rule of anticipation. Otherwise, I submit the rule of anticipation can rule out everything, because every subject can be anticipated. The rules relating to adjournment motions will then be rendered practically useless. Therefore, Sir, I submit you should not be pleased to make up your mind in this way."

SRI P. RAMAMURTHI :—" Sir, rule 41 of the Assembly Rules relating to Adjournment Motions reads as follows :—

' A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.'

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The only criterion, therefore, is whether this is a definite matter of urgent public importance. It may be that the entire policy of the Government governing the issue of such orders may come up for review in the course of the Budget Debate. That is a general question. But here is a definite matter."

MR. SPEAKER :—" The hon. Member can move a cut motion on this matter."

SRI P. RAMAMURTHI :—" Once again I would like to submit that this is a matter which is very urgent because the order is continuing to be in force. Therefore, if this House comes to a certain decision, there is a remedy open to the public. As representatives of the public who have to voice forth their feelings, it is our responsibility here to see that this order is rescinded. If we are able to make out a case for rescinding this order, certainly it may be rescinded to-morrow itself, whereas a discussion on the Budget does not provide for any such thing. The discussion on the Budget and the voting on Demands may take one month. Then it would become absolutely useless to take up this matter. Therefore, this is a definite matter of urgent public importance which should be taken up for discussion now."

* SRI T. VISWANATHAM :—" Sir, I shall refer you to page 178 of Sir Gilbert Campion's 'An Introduction to the Procedure of the House of Commons' in which it is said that 'any substantive motion standing on the paper blocks the discussion of an amendment'. So, it is only a substantive motion that blocks discussion of this kind and not the Budget which is of a general nature. I would submit that the rule of anticipation has got its own limitations."

(Sri P. Venkateswarlu rose to speak.)

MR. SPEAKER :—" I have heard enough on this matter and I cannot allow the hon. Member to speak now. I wish to know whether the Government want to say anything on this matter."

* THE HON. SRI C. RAJAGOPALACHARI :—" I am sorry to say, Sir, that I cannot agree to this Motion. But I wish to point out that there is a mistake in the understanding of the Opposition Members about the functions of the Commissioner of Police. Hon. Members should remember that the Commissioner of Police of Madras is also a Court and there is a regular provision for rescinding such orders. It is a mistake to say, therefore, that there is no judicial remedy. But this is only a question of interpretation of law and I want to remind hon. Members of that. Now, if I may say so, this is a hardy sessional. Every time we meet, an adjournment motion of this kind crops up, and it is the policy of the other side, as far as I can judge from the different motions, that there should be processions around the House."

SRI T. NAGI REDDI :—" Every time there is also such an order."

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* **THE HON. SRI C. RAJAGOPALACHARI** :—“ But we have to see that there are no processions round about the House. The Speaker can maintain order in the House and the Government have to maintain order round about the House. That is the position, and if an order under the ordinary law of the land has been passed, there are provisions for reopening that order in the courts. This is the substance of the ruling which, I think, was given by the Speaker last time also. Therefore, I submit we cannot agree to this Adjournment Motion.”

MR. SPEAKER :—“ I shall now straightaway give my ruling. This order was passed in the course of the ordinary day to day administration. It is not a novel one. Secondly, the House will have an opportunity to discuss this matter very soon and I cannot understand why the hon. Member wants all other business of the House to be postponed in order to discuss this matter. So, I do not consider this to be such a very urgent matter as to justify postponement of all other business of the House. I rule the motion out of order.”

I.—HOURS OF SITTING OF THE ASSEMBLY—cont.

* **SRI VAVILALA GOPALAKRISHNIAH** :—“ అధ్యక్షా, ఈ బిల్లు యొక్క తెలుగు తర్జుమా ప్రకటించబడలేదు. తెలుగు తర్జుమా లేనిదే ఈ బిల్లు యేమో, తెలుసుకోవడం కష్టంగా ఉన్నది. కాబట్టి తెలుగులో వ్యాఖ్య చేయించి కాపీలు సభ్యులకు పంపగోరుతాను.”

MR. SPEAKER :—“ I do not know what the hon. Member speaks in Telugu. The difficulty is I am not able to understand him.”

* **SRI VAVILALA GOPALAKRISHNIAH** :—“ అధ్యక్షా, యాల్సిన మార్పులకు అధికారము ఈ శాసన సభకే ఉన్నది. వాటిని ఇతరులెవ్వరూ శాసన సభ అంగీకారం లేనిదే మార్పుచేయడానికి వీలులేదు. డి విషయం నింధనావళిలోని 18-వ Chapter లో స్పష్టం చేయబడింది. వార్టీలనాయకులతో సంప్రదించి వారి సభలో ప్రకారం నియమాలను మార్పుచేసి నిబంధనావళికి విరుద్ధం. ఆ విధంగా చేయడం శాసనసభ్యుల హక్కులకు భంగం కలిగించినట్లు భావించవలసియుండుంది. ఆ విధంగా ఈ సభ అంగీకరించనిదే సభాకార్యకలాపాల నిర్వహణ విషయంలో మార్పులు లేవడం అశాస్త్రీయమని point of order raise చేస్తున్నాను. సభరణలు వివేచన చేయదలచుకుంటే వెంటనే ఒక కమిటీని ఏర్పాటుచేసి, సభరణల జాబితాను తయారు చేయించి, ఈ సభామూలాన్ని పొందడానికి చర్యతీసుకోవలసిందని కోరుతున్నాను.”

9-15
a.m.

* **SRI T. VISWANATHAM** :—“ The hon. Member is raising a point of order. I am only translating generally what he has said. He says that there is a provision for amending the Rules of Procedure, and that without bringing in an amendment in the proper way, it is not right for the Leader of the House to advise the Speaker to change the hours of sitting. That is his main point.”

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MR. SPEAKER :—“ We have been doing that. If the Leaders of Parties after consultation with each other come to the conclusion that the House can sit at a particular hour, we can sit at that particular hour. We have not changed the Rules. If we have changed the Rules, then it is altogether a different matter. That has not been done. If the Leaders of Parties come to a particular conclusion and request the Speaker to have the sittings at a particular hour, it can be done. So, the hon. Member is not raising a point of order.”

IV.—PANEL OF CHAIRMEN.

MR. SPEAKER :—“ I have to announce to the House that under rule 15 of the Madras Assembly Rules, I have nominated the following four Members of the Assembly to be the Panel of Chairmen for the second session of the Assembly under the Constitution of India :—

1. Sri S. Ramaswamy Naidu.
2. Mr. W. J. Fernandez.
3. Janab K. M. Seethi.
4. Sri P. Venkatasiviah.”

V.—GOVERNMENT MOTIONS.

(1) ELECTION OF FIFTEEN MEMBERS TO THE COMMITTEE OF PRIVILEGES.

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I beg to move—

‘ That with reference to rule 156 of the Madras Assembly Rules, this Assembly do proceed on a date to be fixed by the Hon. the Speaker to elect fifteen Members to be Members of the Committee of Privileges for the financial year, 1952-53. ’ ”

MR. SPEAKER :—“ The motion is—

‘ That with reference to rule 156 of the Madras Assembly Rules, this Assembly do proceed on a date to be fixed by the Hon. the Speaker to elect fifteen Members to be Members of the Committee of Privileges for the financial year 1952-53. ’ ”

SRI M. NARAYANA KURUP :—“ Sir, the resolution moved by the Hon. the Leader of the House will be out of order but for certain amendments which have been made to the Rules of Procedure. Article 208 (2) of the Constitution lays down—

‘ Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature for the corresponding province shall have effect in relation to the Legislature of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly, or the Chairman of the Legislative Council, as the case may be. ’

The Rules obtaining to-day have been framed under this Article of the Constitution. These very Rules lay down a certain procedure if further amendments are to be made to them. Rule 146 (1) under Chapter XVIII of the Rules of Procedure says, ‘ Unless

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the Speaker otherwise directs, not less than ten days' notice of a motion for leave to amend the Rules shall be given and the notice shall be accompanied by a draft of the proposed amendments.' After the leave of the Assembly is granted, the draft amendments must go to a Select Committee and then come before the Assembly. Rule 150 under the same Chapter of the Assembly Rules says, 'When a rule or amendment of a rule is passed by the Assembly, a copy thereof shall be signed by the Speaker and until the Speaker has signed such copy and the fact has been announced by him to the Assembly, the rule or amendment shall not have validity.' The very rules framed by the Hon. Speaker have imposed certain limitations on his own authority to further amend the Rules. He cannot now go beyond the limitations which he has himself imposed upon himself. We have received a circular letter from the Secretary on the 12th June saying that the Hon. Speaker has been pleased to make certain amendments, viz., changing the number of Members of some Committees that have been provided under the Rules of Procedure. My submission is that such amendments adopted by the Speaker are not consistent with the Rules of Procedure which the Hon. Speaker himself has framed for the guidance of this House. Therefore, these amendments are void and inoperative and any resolution brought forward on the basis of those amendments is clearly out of order."

* SRI T. VISWANATHAM :—" I submit that you were pleased to send us some communication. No doubt the Rules have been amended by you. I remember that some time ago, when I was in your room this question cropped up. I think that I submitted then that the Speaker had no right to amend the Rules without bringing forward a motion to that effect before the House. The matter was dropped at that stage. I thought that the Government would bring forward a Motion to amend the Rules so as to increase the number of Members in some of these Committees. I am not objecting to the increase in the number of Members. I am sure that it will be quite acceptable to the whole House. You have done only what was wished by us. In consultation with the Government, you have agreed to the increase in the number of Members. Regarding that we have nothing to say. But, what is troubling us is that it has not been done in the proper way. We must not only do the right thing but do it in a right manner. Our difficulty is this. You have amended the Rules. In this case, it is acceptable to us in substance. But if the same procedure is adopted with regard to other matters it may be that under some pressure . . . "

MR. SPEAKER :—" The hon. Member is not right in saying that the Chair will act under pressure."

* SRI T. VISWANATHAM :—" Sir, I was just adding some words, viz., some pressure of interpretation. (Laughter.) I am not so bad as to say that you are so weak as to be influenced by anybody. (Laughter.) If under some pressure of interpretation you accepted some other amendments in future which may be

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quite unacceptable to us, then it will be very difficult for us. All such amendments to Rules must therefore be brought before the House for approval.' That is my only point."

MR. SPEAKER :—" The hon. Member himself suggested the increase in the number of Members."

* SRI T. VISWANATHAM :—" Yes, Sir, I suggested the increase in the number of Members. I thought that necessary amendments with regard to this would be brought before the House. It is a very easy matter for the Government to do, and we would have accepted the amendments. But that has not been done. I believe that the power vested in the Speaker was only for the period of the commencement of the Constitution. At the time of the Constitution coming into force, some Rules had to come into operation. It was not possible to provide for everything at that stage, on January 26, 1950. That is why a transitional provision as it were, was included in the Constitution, and we have Article 208 (2) for this purpose. It should be clearly understood that nowhere it is stated that the Speaker will have powers to amend the Rules from time to time. That is why I say that it is not right to amend the Rules without coming before the Legislature and relying only on the transitional provision in the Constitution with regard to this matter. In substance, we agree with the change. But I submit that this should not form a precedent, and whenever a change in Rules is contemplated, a Motion must come before the House, which alone must take a decision in the matter. I once again repeat that we have absolutely no quarrel with regard to the substance of the change. I only want to impress that nothing should be done which will be detrimental to the privileges and rights of this House. I submit that this should not be taken as a precedent."

* THE HON. SRI C. RAJAGOPALACHARI :—" An important question has incidentally arisen and I wish to point out to the Leader of the Opposition that his interpretation is not correct and that he should not continue under this mistaken impression as to law. The question now discussed is whether the power given to the Speaker to modify the Rules is a continuous power or whether it relates only to the time when the Constitution was made. Now, the very form in which this Article has been framed, by placing the sub-clause relating to the power of the Speaker, at the end shows that the power given to the Speaker is a continuous power and not merely one which ceases after the Constitution has come into force. Article 208 (2) says, ' Until rules are made under clause (1), the rule of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature for the corresponding Province shall have effect in relation to the Legislature of the State.' Then follows the clause which says, ' . . . subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly, or the Chairman of the Legislative Council

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as the case may be.' If this clause had been introduced before the phrase 'immediately before the commencement of this Constitution', the interpretation of the Leader of the Opposition would have been correct. It is only to give a continuous power to the Speaker that this clause has been placed at the end. That is the position. Anyway, it is a question of legal importance and being half-baked lawyers, we may very well leave it to better people."

* SRI T. VISWANATHAM :—" If it was the intention of the Constitution-makers to give the Speaker a continuous power as suggested by the Hon. the Chief Minister, the phrase 'from time to time' would have been definitely used in the Article. That has not been done and I would like the Chief Minister to pay attention to the absence of this phrase. If that was the intention, the legal draftsmen would definitely have inserted that phrase. Anyway, we do not wish to enter into a legal battle. I shall leave it at that and request that this should not form a precedent in future."

* THE HON. SRI C. RAJAGOPALACHARI :—" The Leader of the Opposition is again basing his argument on a mistaken impression. If the power given to the Speaker was not intended to be continuous, then there was no necessity to put this clause at the end of Article 208 (2). That itself clearly shows that it is a continuous power. So, the position is clear."

MR. SPEAKER :—" I wish to tell the House that our Rules are based on Article 208 (2) of the Constitution. No doubt, our Rules are antiquated and I am going to appoint a Committee of this House to go into this question. In the present instance, I have acted under Article 208 (2). The question is—

'That with reference to rule 156 of the Madras Assembly Rules, this Assembly do proceed on a date to be fixed by the Hon. the Speaker to elect fifteen Members to be Members of the Committee of Privileges for the financial year 1952-53.' "

The motion was carried.

MR. SPEAKER :—" In accordance with the regulations framed by me for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 3 p.m., Thursday, 3rd July 1952, as the time within which nomination papers of candidates for election to the Committee of Privileges should reach the Secretary. Nomination forms can be had on application to the Secretary.

"If the number of candidates nominated exceeds the number of seats to be filled, namely, fifteen, a poll will be taken on a date to be announced in due course."

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(2) ELECTION OF ELEVEN MEMBERS TO THE HOUSE COMMITTEE.

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move—

9 30

‘ That with reference to rule 157 of the Madras Assembly Rules, this House do proceed to elect eleven Members to be Members of the House Committee for the financial year 1952-53. ’ ” a.m.

MR. SPEAKER :—“ The question is—

‘ That with reference to rule 157 of the Madras Assembly Rules, this House do proceed to elect eleven members to be Members of the House Committee for the financial year 1952-53. ’ ”

The motion was carried.

MR. SPEAKER :—“ In accordance with the regulations framed by me for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 3 p.m., Thursday, 3rd July 1952, as the time within which nomination papers of candidates for election to the House Committee should reach the Secretary. Nomination forms can be had on application to the Secretary.

“ If the number of candidates nominated exceeds the number of seats to be filled, namely, eleven, a poll will be taken on a date to be announced in due course. ”

(3) ELECTION OF FOURTEEN MEMBERS TO THE COMMITTEE ON PUBLIC ACCOUNTS.

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move—

‘ That, with reference to rule 138 of the Madras Legislative Assembly Rules, this Assembly do proceed on a date to be fixed by the Hon. the Speaker, to elect fourteen Members to be Members of the Committee on Public Accounts for the financial year 1952-53. ’ ”

MR. SPEAKER :—“ The question is—

‘ That, with reference to rule 138 of the Madras Legislative Assembly Rules, this Assembly do proceed on a date to be fixed by the Hon. the Speaker, to elect fourteen Members to be Members of the Committee on Public Accounts for the financial year 1952-53. ’ ”

The motion was carried.

MR. SPEAKER :—“ In accordance with the regulations framed by me for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 3 p.m., Thursday, 3rd July 1952, as the time within which nomination papers of candidates for election to the Committee on Public Accounts should reach the Secretary. Nomination forms can be had on application to the Secretary.

“ If the number of candidates nominated exceeds the number of seats to be filled, namely, fourteen, a poll will be taken on a date to be announced in due course. ”

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(4) ELECTION OF ONE MEMBER TO THE REORGANIZED SOUTH INDIAN RAILWAY LOCAL ADVISORY COMMITTEE.

THE HON. DR. U. KRISHNA RAO :—" Sir, I move—

'That, as the term of Sri L. S. Karayalar, who was elected to represent the Madras Legislature on the Reorganized South Indian Railway Local Advisory Committee for a period of two years from 1st November 1949 has since expired, consequent on the expiry of the term of the Legislature, and as the General Manager, Southern Railway, has requested the Government to communicate to him the name of the fresh member to represent the Madras Legislature on the Committee, this Assembly do recommend to the Government to communicate to the General Manager, Southern Railway, the name of one member elected by this Assembly to serve on the Committee.'"

MR. SPEAKER :—" The question is—

'That, as the term of Sri L. S. Karayalar, who was elected to represent the Madras Legislature on the Reorganized South Indian Railway Local Advisory Committee for a period of two years from 1st November 1949 has since expired, consequent on the expiry of the term of the Legislature, and as the General Manager, Southern Railway, has requested the Government to communicate to him the name of the fresh member to represent the Madras Legislature on the Committee, this Assembly do recommend to the Government to communicate to the General Manager, Southern Railway, the name of one member elected by this Assembly to serve on the Committee.'"

The motion was carried.

MR. SPEAKER :—" With reference to the motion of the Hon. Minister for Industries, Labour and Motor Transport, regarding the election of one Member of this Assembly to the Reorganized South Indian Railway Local Advisory Committee, I fix 3 p.m., Friday, 4th July 1952, as the time within which nomination papers of candidates for election to the Reorganized South Indian Railway Local Advisory Committee, should reach the Secretary. Nomination forms can be had on application to the Secretary.

" If the number of candidates nominated exceeds the number of seats to be filled, namely, one, a poll will be taken on a date to be announced in due course. The election will be by the ordinary method and not according to the principle of proportional representation by means of the single transferable vote."

(5) ELECTION OF ONE MEMBER TO THE REORGANIZED M. & S.M. RAILWAY LOCAL ADVISORY COMMITTEE.

THE HON. DR. U. KRISHNA RAO :—" Sir, I move—

'That, as the term of membership of Sri Alluri Satyanarayana Raju, who had been elected to represent the Madras

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Legislative Assembly on the Reorganized M. & S.M. Railway Local Advisory Committee for a period of two years from October 1950 has since expired, consequent on the expiry of the term of the Madras Legislative Assembly, and as the General Manager, Southern Railway, has requested the Government to communicate to him the name of the fresh representative of the newly constituted Assembly, on the Committee, this Assembly do recommend to the Government to communicate to the General Manager, Southern Railway, the name of one member elected by this Assembly to serve on the Committee.' "

MR. SPEAKER :—" The question is—

' That, as the term of membership of Sri Alluri Satyanarayana Raju, who had been elected to represent the Madras Legislative Assembly on the Reorganized M. & S.M. Railway Local Advisory Committee for a period of two years from October 1950 has since expired, consequent on the expiry of the term of the Madras Legislative Assembly, and as the General Manager, Southern Railway, has requested the Government to communicate to him the name of the fresh representative of the newly constituted Assembly, on the Committee, this Assembly do recommend to the Government to communicate to the General Manager, Southern Railway, the name of one member elected by this Assembly to serve on the Committee.' "

The motion was carried.

MR. SPEAKER :—" With reference to the motion of the Hon. Minister for Industries, Labour and Motor Transport, regarding the election of one Member of this Assembly to the Reorganized M. & S.M. Railway Local Advisory Committee, I fix 3 p.m., Friday 4th July 1952, as the time within which nomination papers of candidates for election to the Reorganized M. & S.M. Railway Local Advisory Committee should reach the Secretary. Nomination forms can be had on application to the Secretary.

" If the number of candidates nominated exceeds the number of seats to be filled, namely, one, a poll will be taken on a date to be announced in due course. The election will be by the ordinary method and not according to the principle of proportional representation by means of the single transferable vote."

(6) ELECTION OF A MEMBER TO THE STATE LIBRARY COMMITTEE BY
THE MEMBERS OF THE MADRAS LEGISLATIVE ASSEMBLY.

THE HON. DR. M. V. KRISHNA RAO :—" Sir, I move—

' That in pursuance of rule 2 (1) (v) of the Madras Public Libraries Rules, 1950, this Assembly do proceed on a date to be fixed by the Hon. the Speaker to elect one person to the State Library Committee constituted under section 3 of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948).' "

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MR. SPEAKER :—“ The question is—

‘ That in pursuance of rule 2 (1) (v) of the Madras Public Libraries Rules, 1950, this Assembly do proceed on a date to be fixed by the Hon. the Speaker to elect one person to the State Library Committee constituted under section 3 of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948).’ ”

The motion was carried.

MR. SPEAKER :—“ With reference to the Motion of the Hon. Minister for Education regarding the election of one Member of this Assembly to the State Library Committee, I fix 3 p.m., Friday, 4th July 1952, as the time within which nomination papers of candidates for election to the State Library Committee should reach the Secretary. Nomination forms can be had on application to the Secretary.

“ If the number of candidates nominated exceeds the number of seats to be filled, namely, one, a poll will be taken on a date to be announced in due course. The election will be by the ordinary method and not according to the principle of proportional representation by means of the single transferable vote.”

VI.—MESSAGES FROM THE GOVERNOR.

MR. SPEAKER :—“ I have to announce to the House that I have received the following messages, dated the 27th June 1952, from the Governor :—

(1) ‘ In pursuance of Article 207, clause (1) read with Article 199, clause (1), sub-clause (a) of the Constitution of India, I, Sri Prakasa, Governor of Madras hereby give my recommendation to the introduction in the Madras Legislative Assembly of the Madras Land Revenue (Surcharge) Bill, 1952.’

(2) ‘ In pursuance of Article 207, clause (1) read with Article 199, clause (1), sub-clause (a) of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby give my recommendation to the introduction in the Madras Legislative Assembly of the Madras Irrigation (Levy of Betterment Contribution) Bill, 1952.’

(3) ‘ In pursuance of Article 207, clause (1) of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby give my recommendation to the introduction in the Legislative Assembly of the Madras Stage Carriages (Surcharge) Bill, 1952, and in pursuance of clause (3) of the said Article, I also recommend to that Assembly the consideration of the said Bill.’

VII.—GOVERNMENT BILLS.

(1) THE MADRAS STAGE CARRIAGES (SURCHARGE) BILL, 1952.

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move for leave to introduce the Madras Stage Carriages (Surcharge) Bill, 1952.”

MR. SPEAKER :—“ Motion moved—

‘ That leave be granted for the introduction of the Madras Stage Carriages (Surcharge) Bill, 1952.’ ”

SRI P. RAMAMURTHI :—“ We would like to know what exactly is the nature of the Bill.”

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MR. SPEAKER :—“ That will be explained after introduction.”

SRI T. VISWANATHAM :—“ I oppose the introduction. I would like to have a brief explanation of the objects of the Bill.”

MR. SPEAKER :—“ Permit him to introduce the Bill. Then he will supply an explanatory note.”

SRI T. VISWANATHAM :—“ It is a taxation measure for which leave is sought. We do not know what kind of tax it is.”

MR. SPEAKER :—“ After introduction, the Bill will be published in the Gazette. Then hon. Members will have an opportunity to study the statement of objects and reasons.”

* THE HON. SRI C. SUBRAMANIAM :—“ Evidently, there is some misunderstanding among hon. Members about the Motion. This is a very formal matter. I am simply introducing a Bill and time will be given to hon. Members to study it and then get ready for discussion. As a matter of fact, we could have published the Bill earlier in the Gazette. But then perhaps nobody might have taken notice of it. The present Motion is to bring the Bill to the notice of the House and it has always been the convention that nobody opposes such a Motion. No statement is called for at this stage because this is only a formal introduction of the Bill.”

MR. SPEAKER :—“ It has already been circulated to hon. Members.”

* THE HON. SRI C. SUBRAMANIAM :—“ I am glad that it has been already circulated to hon. Members. Apart from this fact, Sir, when leave is granted for the introduction of the Bill, it does not mean that hon. Members stand committed to the principle underlying the Bill or any of the provisions of the Bill. This is a formal matter and I think I should not take up the time of the House unnecessarily. I hope that such an experienced parliamentarian as the Leader of the Opposition will co-operate with the Government so that we may get through the business of the House.”

* SRI T. VISWANATHAM :—“ We are not objecting to the Government bringing in as many measures against the people of this State as they like. But we want to know the provisions of this Bill. My attention is now drawn to the fact that the Bill has already been circulated and that ‘such an experienced parliamentarian as I’ should not oppose the Motion and that it has always been the convention that a Motion for leave for introduction of a Bill is not opposed. I would like to remind the Leader of the House of one fact. How many times have the Government not opposed private Members’ Motions for leave? If there should be a convention it must apply to both sides.”

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MR. SPEAKER :—" I cannot allow a debate on this. The question is—

‘ That leave be granted for the introduction of the Madras Stage Carriages (Surcharge) Bill, 1952.’ ”

The motion was carried and the Bill introduced.

(2) THE MADRAS IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION)
BILL, 1952.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

‘ For leave to introduce the Madras Irrigation (Levy of Betterment Contribution) Bill, 1952.’ ”

MR. SPEAKER :—" Motion moved—

‘ That leave be granted for the introduction of the Madras Irrigation (Levy of Betterment Contribution) Bill 1952 ’.”

SRI T. VISWANATHAM :—" Sir, there is a change in the Agenda. I have no objection to our taking up this Bill now. But let it be done after a Motion for change in the order of business is moved and carried.”

* THE HON. SRI C. SUBRAMANIAM :—" Sir, the Madras Requisitioned Land (Continuance of Powers) Bill is coming up for consideration. But the other two Bills put down for today are not for consideration but for mere introduction. It is for this reason that a change was effected and this change is clearly indicated in the supplemental Agenda which states that item (2) of the Agenda will be renumbered as item (4).”

* SRI T. VISWANATHAM :—" I have no objection to the change in the order. But it must be made after observing the procedure laid down for the purpose.”

9-45
a.m.

* THE HON. SRI C. SUBRAMANIAM :—" Our view is that it is according to the Agenda. It is included in the Supplementary Agenda circulated to the Members. According to the amendment circulated to the original agenda, The Madras Requisitioned Land (Continuance of Powers) Bill will be taken up as item (4). It is in continuation of the items (2) and (3) included in the Supplementary Agenda.”

SRI T. VISWANATHAM :—" The order of business can now be changed if the Hon. Minister moves a Motion to that effect.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—" If it is considered by the Speaker that there is a change in the order of the business, I am prepared to move a Motion.”

MR. SPEAKER :—" There is no need for a Motion to change the order. We shall take up the Madras Irrigation (Levy of Betterment Contribution) Bill, 1952, first and then the other two items.”

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* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, let me help as well, as an old-fashioned lawyer. Now there is a Supplementary Agenda. It does not mean that the subjects included in it are supplementary. The Supplementary Agenda is really a correction to the original Agenda, because it reads like this: ‘ IV. Government Bills, (2) The Madras Irrigation (Levy of Betterment Contribution) Bill, (3) The Madras Land Revenue (Surcharge) Bill ’ and then at the end it is stated ‘ Item (2) of the Agenda will be renumbered as item (4) ’. This is a correction to the original Agenda and the corrected Agenda is being followed.”

MR. SPEAKER :—“ The question is—

‘ That leave be granted for the introduction of the Madras Irrigation (Levy of Betterment Contribution) Bill, 1952.’ ”

The motion was carried and the Bill introduced.

(3) THE MADRAS LAND REVENUE (SURCHARGE) BILL, 1952.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I move—

‘ For leave to introduce the Madras Land Revenue (Surcharge) Bill, 1952.’ ”

MR. SPEAKER :—“ The question is—

‘ That leave be granted for the introduction of the Madras Land Revenue (Surcharge) Bill, 1952.’ ”

The motion was carried and the Bill introduced.

(4) THE MADRAS REQUISITIONED LAND (CONTINUANCE OF POWERS) BILL, 1952 (L.A. BILL NO. 3 OF 1952).

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I beg to present the report of the Select Committee on the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952) and move—

‘ That the Bill^a as amended by the Select Committee be taken into consideration.’ ”

MR. SPEAKER :—“ The motion is—

‘ That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as amended by the Select Committee be taken into consideration.’ ”

* SRI V. GOPALAKRISHNIAH :— “ ఈ బిల్లు ఏమో మాకు తెలియదు. బిల్లు గెలుపులో పక్కటెముకలేదు.

SRI T. VISWANATHAM :—“ Probably hon. Members are not aware of the procedure to be followed in this regard and that this is not the time to speak on the principle of the Bill. The Hon. Speaker may explain to hon. Members the procedure to be followed.”

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MR. SPEAKER:—"I cannot speak Telugu. I hope hon. Members know that this Motion is for the consideration of the Madras Requisitioned Land (Continuance of Powers) Bill, 1952. (The hon. Member Sri Gopalakrishniah stood up in his seat.) What is it that the hon. Member wants?"

SRI T. NAGI REDDI:—"The hon. Member says that the Bill has been published only in English and not in Telugu. As he does not know English, he wants that the Bill should be printed in Telugu to enable him to take part in the proceedings of the Assembly and also to give his opinion on this Bill."

MR. SPEAKER:—"He wants all the agenda to be printed in Telugu? (An hon. Member: 'The Bill also'). We shall consider the matter. Now I am going to put the motion to the vote of the House. The question is—

'That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as amended by the Select Committee be taken into consideration.'

The motion was carried.

MR. SPEAKER:—"Amendments to the Bill have already been circulated to hon. Members. I will take up the Bill clause by clause. The preamble and clause 1 will be taken up at the end."

Clause 2.

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, I beg to move—

'For the expression "and Madras Ordinance I of 1952," substitute "Madras Ordinance I of 1952 and Madras Ordinance II of 1952".'

"Sir, I may explain that this is necessitated on account of the fact that a second Ordinance has been issued and it has to find a place in the body of the Bill."

MR. SPEAKER:—"The question is—

'For the expression "and Madras Ordinance I of 1952," substitute "Madras Ordinance I of 1952 and Madras Ordinance II of 1952".'

The amendment was carried.

MR. SPEAKER:—"The hon. Member Sri Krishnaswami Ayyangar may now move his amendments."

SRI P. S. KRISHNASWAMI AYYANGAR:—"I am not moving my amendments, Sir."

Clause 2 as amended was put and carried.

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Clause 3.

MR. SPEAKER:—"The hon. Member Sri Krishnaswami Ayyangar may move his amendments."

SRI P. S. KRISHNASWAMI AYYANGAR:—"I am not moving any of my amendments, Sir."

* SRI V. GOPALAKRISHNIAH:—"ఆధ్యతా, బిల్లులోని 3-వ క్లాజులో ఆఫ్టి మొట్టమొదట ఎవ్వరివద్దనుంచి స్వాధీనముచేసుకొన్నారో వారికి 30% స్వాధీనకరవలెనని ఉన్నది. కాని ఆవరణలో ఈ విధంగా జరుగుటలేదు. ఇందుకుగాను ఉపాహరణగా ఒక విషయం మనవిచేస్తాను. ఇదివరలో గుంటూరులో Technical Institute కు గాను 12 ఎకరముల భూమిని Defence of India Rules ప్రకారము రైతులను వదిలివేసి ప్రభుత్వమువారు స్వాధీనము చేసుకొన్నారు. ఈ భూమి ఆసలు స్వంతదారులు వేదరైతులవారు ఒకరుకాదు. నలుగురైవగురు. ఈ భూమిని స్వాధీనముచేసుకొని ప్రభుత్వమువారు ఇంతవరకును వారికి ఎట్టి ముదరాను చెల్లించలేదు. ఇంకను డిపోజిట్ డబ్బు బాంకులకానే ఉన్నది. ఇటువంటి సందర్భములో ఈ వేదరైతులే భూమి ఆసలు స్వంతదారులుకాని ఇతర మధ్యవర్తి రెవ్యూరికి దానిపై ఎటువంటి హక్కు ఉండకూడదు. కాని ఈ మధ్య హైకోర్టువారు ఇచ్చిన తీర్పువల్ల ఈ భూమి మరొక మధ్యవర్తికి చెందునట్లున్నది. ఇది చాలా దారుణమైన విషయము. మొట్టమొదట భూమి ఎవరిదో వారికి దానిని తిరిగి సంక్రమింపజేయడం ధర్మం. లేనిచో ఈ బిల్లియొక్క ప్రయోజనమేమీ ఉండదు. ఈ విషయాన్ని ప్రభుత్వమువారు ఆలోచించి భూములను ఆసలు స్వంతదారులకే ఉప్పించేటట్లు చేయగోరాను."

Clause 3 was put and carried.

Clause 4.

SRI M. NARAYANA KURUP:—"I am not moving my amendment, Sir."

Clause 4 was put and carried.

Clause 5.

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I beg to move the following amendment:—

'At the end of the first paragraph, add the words, "set out in the Schedule to this Act".'

MR. SPEAKER:—"The question is—

'At the end of the first paragraph, add the words, "set out in the Schedule to this Act".'

The amendment was carried.

Clause 5 as amended was put and carried.

Clause 6 was put and carried.

Clause 7 was put and carried.

Clause 8 was put and carried.

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Clause 9.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move the following amendment :—

' In sub-clause (1), first paragraph, for the expression " and Madras Ordinance I of 1952 ", substitute " Madras Ordinance I of 1952 and Madras Ordinance II of 1952 " ' "

MR. SPEAKER :—" The question is—

' In sub-clause (1), first paragraph, for the expression " and Madras Ordinance I of 1952," substitute " Madras Ordinance I of 1952 and Madras Ordinance II of 1952 " ' "

The amendment was carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move the following amendment :—

' In the proviso, in line 2, after the words " the said Act ", insert the words and figures " or Madras Ordinance II of 1952 " ' "

MR. SPEAKER :—" The question is—

' In the proviso, in line 2, after the words " the said Act " insert the words and figures " or Madras Ordinance II of 1952 " ' "

The amendment was carried.

Clause 9 as amended was put and carried.

NEW SCHEDULE.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move the following amendment :—

' After clause 9, add the following Schedule :—

SCHEDULE.

(See section 5.)

SECTION 19 OF THE DEFENCE OF INDIA ACT, 1939 (CENTRAL ACT XXXV OF 1939).

19. (1) Where by or under any rule made under this Act any action is taken of the nature described in sub-section (2) of section 299 of the Government of India Act, 1935, there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say :—

(a) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached, the Central Government shall appoint as arbitrator a person qualified under sub-section (3) of section 220 of the above-mentioned Act for appointment as a Judge of a High Court.

Compensation to be paid in accordance with certain principles for compulsory acquisition of immovable property, etc.

26 Geo. 5.
c. 2.

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(c) The Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property acquired, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose.

(d) At the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(e) The arbitrator in making his award shall have regard to—

(i) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable; and

I of 1894.

(ii) whether the acquisition is of a permanent or temporary character.

(f) An appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf by rule made by the Central Government.

(g) Save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(2) The Central Government may make rules for the purpose of carrying into effect the provisions of this section.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the procedure to be followed in arbitrations under this section;

(b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal;

(c) the maximum amount of an award against which no appeal shall lie.

RULES MADE UNDER SECTION 19 OF DEFENCE OF INDIA
ACT, 1939.

1. (1) These rules may be called the Defence of India (Payment of Compensation and Arbitration) Rules, 1943.

(2) These rules shall apply to all cases where action is taken under rule 75-A of the Defence of India Rules by or on behalf of the State Government, or by an officer of the State Government on behalf of the Central Government.

2. In these rules unless there is anything repugnant in the subject or context,

(a) "the Act" means the Defence of India Act, 1939;

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(b) "Collector" means the Collector of a district or any officer authorized to exercise the powers under rule 75-A of the Defence of India Rules in regard to immovable property;

(c) "Court" means a Principal Civil Court of original jurisdiction;

(d) "person interested" includes all persons claiming an interest in compensation to be made for immovable property requisitioned or acquired under rule 75-A of the Defence of India Rules;

(e) "property" means immovable property requisitioned or acquired under rule 75-A of the Defence of India Rules.

3. In determining the amount of compensation the Collector shall be guided,

(a) in case of requisitioning, by the principles which the State Government may, by order, specify in that behalf; and

(b) in cases of acquisition, by the provisions contained in section 23 (1) of the Land Acquisition Act, 1894, so far as the said section can be made applicable.

4. The Collector shall, as soon as may be practicable after the making of a requisitioning order or the service or publication of a notice of acquisition, communicate, to each person interested, an offer of what, in the opinion of the Collector, is a fair amount of compensation payable to such person in respect of the property requisitioned or acquired.

5. If the owner of the property is not readily traceable or if there be no person competent to alienate the property or if the ownership of the property is in dispute or if there be any dispute as to the title to receive the compensation or as to the apportionment of the amount offered as compensation, the Collector shall deposit in Court the amount of the compensation as determined by him under rule 3. He shall at the same time submit to the State Government through the Board of Revenue, a report setting forth the full facts of the case with all the connected papers and apply for the appointment of an arbitrator. Where the compensation is recurring, the Collector shall, in cases covered by this rule, deposit the amount in Court from time to time in arrear as it falls due.

6. (1) Every person interested, to whom an offer is made under rule 4, shall, within fifteen days of the receipt of the offer, communicate in writing to the Collector his acceptance or otherwise of the offer. If he accepts the offer, the Collector shall enter into an agreement with him on behalf of the State Government or the Central Government, as the case may be, in the form in Schedule I or Schedule I-A annexed

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to these rules with such modifications as the nature of the case may require. Except in the cases specified in sub-rule (2), the Collector shall, as soon as may be practicable thereafter, pay to such person the sum specified in the offer.

(2) If the compensation is recurring, it shall, except in the cases hereinafter mentioned, be paid in arrears. If in the opinion of the Collector some immediate payment is necessary to alleviate hardship and the person interested has accepted the offer made under rule 4, the Collector may make an advance payment to him of an amount not exceeding the compensation payable for the first six months. If the compensation payable for a year does not exceed Rs. 10, the Collector may pay half-yearly in advance, the compensation due for every six months.

(3) In the following circumstances, the Collector may, at his discretion, make, to persons of small means, an advance payment up to 80 per cent of the amount which, in his opinion, is likely to be assessed as compensation, or recurring compensation for the first six months, as the case may be—

(a) when there is likely to be delay in assessing compensation.

(b) where the Collector has made an assessment but there is delay in reaching an agreement, though there is a reasonable prospect of agreement being reached, or

(c) where it is clear that an agreement cannot be reached.

(4) If the Collector makes an advance payment under sub-rule (3), he shall enter into an agreement with the person to whom payment is made on behalf of the State Government or the Central Government, as the case may be, in the form in Schedule II annexed to these rules, with such modification as the nature of the case may require.

7. If any person to whom an offer is made under rule 4 does not accept the offer or does not, within fifteen days of the receipt of the offer, communicate in writing to the Collector his acceptance or otherwise of the offer, the Collector shall, as soon as may be, submit to the State Government through the Board of Revenue a report setting forth the full facts of the case particularly as regards the nature and extent of disagreement between himself on the one hand and the said person on the other and he shall also forward with the report all the connected papers. The Collector shall at the same time deposit in Court the amount offered by him to the said person under rule 4.

8. If on examination of the report submitted by the Collector under rule 7, and after further enquiries if necessary, the State Government are satisfied that an agreement cannot be reached they shall appoint an arbitrator under section 19

THE MADRAS REQUISITIONED LAND (CONTINUANCE
OF POWERS) BILL, 1952 (L.A. BILL
NO. 3 OF 1952)

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(1) (b) of the Act. They shall also likewise appoint an arbitrator in every case in which they receive an application from the Collector under rule 5.

9. As soon as an arbitrator is appointed, the State Government or the Collector shall forward or cause to be forwarded to the arbitrator the relevant records connected with the case.

10. (1) The arbitrator shall, not later than three weeks from the date of receipt of the records referred to in rule 9, fix a day or days for hearing the claims and shall give notice thereof to the person or persons interested and to the Collector at least five clear days before such hearing.

(2) On the day or days so affixed, the arbitrator shall proceed to inquire into the case, shall take such evidence as may be adduced on behalf of the claimants and on behalf of the State or Central Government as the case may be, and shall make an award of the amount of compensation which in his opinion should be allowed for the property and of the apportionment of the said compensation among all persons known to be interested in the property.

(3) The arbitrator may adjourn his sittings, if he finds it necessary to do so, but the case shall be disposed of as expeditiously as possible.

11. Every award under rule 10 shall be in writing signed by the arbitrator and shall specify the grounds of the award.

12. As soon as the arbitrator makes an award under rule 10, the Collector shall pay the compensation awarded by the arbitrator to the persons entitled thereto according to the award except in the following cases :—

(1) Cases mentioned in rule 5.

(2) Cases in which the persons interested do not consent to receive payment but propose to appeal to the High Court against the award of the arbitrator and in which such an appeal lies under rule 14.

In the excepted cases, the Collector shall deposit in Court the amount if any awarded by the arbitrator in excess of that determined by him under rule 3.

13. If any money is deposited in Court under rule 5, rule 7 or rule 12, the Court shall deal with it in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894.

14. No appeal shall lie to the High Court against the award of an arbitrator—

(i) in the case of an award of recurring compensation, where the total amount of such compensation for a period of five years does not exceed Rs. 5,000;

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(ii) in other cases where the amount of the award does not exceed Rs. 5,000.

15. The arbitrator shall include in his award a statement of all costs, expenses and charges properly incurred by each of the parties in the course of the arbitration proceedings and, having regard to all the circumstances of the reference to arbitration, the proceedings thereon and the results thereof, decide how these costs, expenses and charges should be apportioned between the parties.

16. No person claiming under an award made under rule 10 shall be liable to pay any fee for a copy of the same.

SCHEDULE I.

[See rule 6 (1).]

Form of agreement to be made on behalf of the State
Central
Government with owners of immovable property requisitioned when payment is made in full.

MEMORANDUM OF AGREEMENT made this _____ day of _____
one thousand nine hundred _____ BETWEEN
_____ son of _____
by occupation _____

at present residing at _____
hereinafter referred to as the owner (which expression shall
owners unless excluded by or repugnant to the context be deemed to
include his heirs, executors, administrators and
their respective assigns) of the one part AND THE GOVERNOR OF MADRAS
CENTRAL GOVERNMENT (herein-
after referred to as the Government) of the other part.

WHEREAS the immovable property particulars whereof are set out in the schedule hereunder (hereinafter called the said property) has been requisitioned under the Defence of India Act, 1939, and the rules framed thereunder and on the

day of _____ 19 _____ taken
possession of by or on behalf of or under the authority of the Government;

AND WHEREAS the owner has represented and stated to the
owners have Government that the owner alone is entitled to all com-
owners are pensation payable in respect of the said property and no other person has any right to such compensation or any part thereof;

AND WHEREAS the said property consists *inter alia* of land and structures and Government has dismantled the said structures; [Omit if the owner had no structures.]

[Sri M. A. Manickavelu Naicker] [28th June 1952]

[Omit if the
owner had
no struc-
tures.]

AND WHEREAS the owner
owners and the Government have mutually
agreed to settle the amount of compensation payable by the
Government to the owner
owners in connexion with the said requisition
in the manner hereinafter appearing:

AND WHEREAS the Government have agreed to pay to the
owner in advance a sum not exceeding the recurring compen-
sation payable for the first months of the
said requisition;

NOW THIS AGREEMENT WITNESSETH as follows:—

[Omit if the
owner had
no struc-
tures.]

1. The Government shall pay and the owner
owners shall accept
and receive a sum of Rs. in full settlement of the com-
pensation for the structures.

2. The Government shall pay and the owner
owners shall accept
and receive a payment of Rs. per month/quarter/
year in arrear for the said property with effect from the said
day of 19, so long as the Government shall
remain in possession thereof and the requisition continues, the
payment for the first months being paid in
advance.

3. The owner
owners shall not claim or be entitled to any other
compensation whatsoever in connexion with the said requisition.

4. The owner
owners shall meet and pay the revenue, rent, muni-
cipal taxes and all other outgoings relating to the said prop-
erty whether payable by the owner
owners or the occupier thereof.

5. If it hereafter transpires that the owner is
owners are not entitled or
exclusively entitled to the compensation payable in respect of
the said property or if the Government have to pay any com-
pensation to any other person the owner
owners shall refund to the
Government the compensation paid or such part thereof as the
owner is
owners are not entitled to and shall otherwise indemnify the
Government against any loss or damage suffered by the Gov-
ernment by reason of any fault or defect in title as represented
by the owner
owners. Without prejudice to any other remedies for
the enforcement of such refund and indemnity the Govern-
ment may recover any sum payable by way of refund and/or
indemnity as arrears of land revenue.

6. Should any dispute or difference arise out of or concern-
ing the subject-matter of these presents or any covenant,

28th June 1952] [Sri M. A. Manickavelu Naicker]

clause or thing herein contained or otherwise arising out of the requisition aforesaid the same shall be referred to an arbitrator to be appointed by the State Government and the decision of such arbitrator shall be conclusive and binding on the parties hereto. The provisions of the Arbitration Act, 1940, shall apply to such arbitration.

Schedule above referred to.

(Particulars and description of property requisitioned.)

IN WITNESS WHEREOF these presents have been executed the day and year first above written.

SIGNED and DELIVERED by the abovenamed }
owner }
owners in the presence of }

SIGNED and DELIVERED for and on behalf }
Governor of Madras }
of the Central Government by }
in the presence of }

(When advance payment is made, the following shall be endorsed on the agreement.)

The owner acknowledges }
owners acknowledge } to have received on this date the sum
of Rs. being an advance payment of the amount pay-
able under paragraph hereof in respect of
the period from to
Dated the day of

SCHEDULE I-A.

[See rule 6 (1).]

Form of agreement to be made on behalf of the State Gov-
ernment with the owner of immovable property acquired
when payment is made in full.

MEMORANDUM OF AGREEMENT made this day of 19

BETWEEN son of
by caste by occupation
at present residing at
(hereinafter called the owner which expression shall unless
excluded by or repugnant to the context be deemed to include
his heirs, executors, administrators and assigns) of the one part
AND THE Governor of Madras
Central Government (hereinafter called the Govern-
ment) of the other part.

[Sri M. A. Manickavelu Naicker] [28th June 1952]

WHEREAS the immovable property particulars whereof are set out in the schedule below (hereinafter called the said property) has been acquired under the Defence of India Rules on the day of

AND WHEREAS the owner has represented and stated to the Government that he alone is entitled to the compensation payable in respect of the said property and no other person has any right to such compensation or any part thereof;

AND WHEREAS the owner and the Government have mutually settled the amount of compensation payable by the Government to the owner in connexion with the said acquisition;

NOW, THIS AGREEMENT WITNESSETH as follows:—

1. The Government shall pay and the owner shall accept and receive a sum of Rs. in full settlement of the compensation for the said property.

2. If it hereafter transpires that the owner is not entitled or exclusively entitled to the compensation payable in respect of the said property or if the Government have to pay any compensation to any other person, the owner shall refund to the Government the compensation paid or such part thereof as the owner was not entitled to receive and shall otherwise indemnify the Government against any loss or damage suffered by the Government by reason of any fault or defect in title as represented by the owner. Without prejudice to any other remedies for the enforcement of such refund and indemnity, the Government may recover any sum payable by way of refund and/or indemnity as arrears of land revenue.

3. Should any dispute or difference arise out of or concerning the subject-matter of these presents or any covenant, clause or thing herein contained or otherwise arising out of the acquisition aforesaid the same shall be referred to an arbitrator to be appointed by the Government and the decision of such arbitrator shall be conclusive and binding on the parties hereto. The provisions of the Arbitration Act, 1940, shall apply to such arbitration.

Schedule above referred to.

IN WITNESS WHEREOF and acting
for and on behalf of and by the order and direction of His
Excellency the Governor of Madras
Central Government have hereunto set their hands.

SIGNED by the abovenamed
in the presence of

SIGNED by the abovenamed
in the presence of

(When payment is made, the following shall be endorsed on the agreement.)

28th June 1952] [Sri M. A. Manickavelu Naicker]

" The owner acknowledges to have received on this date the sum of Rs. in full settlement of the compensation payable under clause 1 hereof."

SCHEDULE II.

[See rule 6 (4).]

Form of agreement to be made on behalf of the State Central Government with owners of immovable property requisitioned when the persons to be compensated are known but for want of agreement as to the amount of compensation certain sums are paid on account.

MEMORANDUM OF AGREEMENT made this day of one thousand nine hundred and BETWEEN son of by caste by occupation at present residing at

hereinafter referred to as the owner owners (which expression shall unless excluded by or repugnant to the context be deemed to include his their respective heirs, executors, administrators and assigns) of the one part AND THE GOVERNOR OF MADRAS CENTRAL GOVERNMENT (hereinafter referred to as the Government) of the other part.

WHEREAS the immovable property particulars whereof are set out in the schedule hereunder (hereinafter called the said property) has been requisitioned under the Defence of India Act, 1939, and the rules framed thereunder and in the

day of 19 taken possession of by or on behalf of or under the authority of the Government;

AND WHEREAS the said owner has owners have represented and stated to the Government that the owner owners alone is are entitled to all compensation payable in respect of the said property and no other person has any right to such compensation or any part thereof;

AND WHEREAS no agreement has been arrived at between the parties as to the amount of compensation payable to the owner owners and the Government has at the request of the owner owners agreed to make payment to the owner owners on account pending an agreement between the parties as to the amount of compensation payable or the final determination of such amount under the law.

[Sri M. A. Manickavelu Naicker] [28th June 1952]

Now, THIS AGREEMENT WITNESSETH as follows :—

1. The Government shall pay and the owner
owners shall accept
and receive payment of Rs. _____ per month/
quarter/year for the said property with effect from the said
day of _____ 19 _____ pending agreement as to or deter-
mination of the amount payable as compensation to the
owner
owners.

2. Upon such agreement or determination of the amount
payable as compensation as aforesaid, an account shall be
prepared crediting the Government with the payments made
by the Government as aforesaid and debiting the Government
with the amount payable as compensation. If on such
account being prepared there is a balance in favour of the
Government, the amount of such balance shall be forthwith
refunded by the owner
owners to the Government. If there is a
balance payable to the owner
owners, the Government shall pay
the amount thereof to the owner
owners.

3. If it hereafter transpires that the owner is
owners are not entitled
or exclusively entitled to the compensation payable in respect
of the said property or if the Government have to pay any
compensation to any other person, the owner
owners shall refund to
the Government the payments made hereunder and shall
otherwise indemnify the Government against any loss or
damage suffered by the Government by reason of any fault or
defect in his
their title as represented by him
them. Without preju-
dice to any other remedies for the enforcement of any
refund and/or indemnity, the Government may recover any
sum payable by way of refund and/or indemnity as arrears of
land revenue.

4. Should any dispute or difference arise out of or con-
cerning the subject-matter of these presents or any covenant,
clause or thing herein contained or otherwise arising out of
the requisition aforesaid the same shall be referred to an
arbitrator to be appointed by the State Government and the
decision of such arbitrator shall be conclusive and binding on
the parties hereto. The provisions of the Arbitration Act;
1940, shall apply to such arbitration.

28th June 1952] [Sri M. A. Manickavelu Naicker]

Schedule above referred to.

IN WITNESS WHEREOF these presents have been executed the day and year first above written.

SIGNED and DELIVERED by the abovenamed ^{owner} }
in the presence of _{owners} }

SIGNED and DELIVERED for and on behalf of the }
Governor of Madras }
Central Government by }

MR. SPEAKER :—“ The question is—
‘ After clause 9, add the following schedule * ’ ”
The amendment was carried.

Clause 1.

Sub-clause (3).

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I move the following amendment :—

‘ For the words, “ It shall be deemed to have come into force on the 13th day of June 1952 ” substitute the words “ It shall come into force at once ” ’ ”

10
a.m.

MR. SPEAKER :—“ Amendment moved—

‘ For the words, “ It shall be deemed to have come into force on the 13th day of June 1952 ”, substitute the words “ It shall come into force at once ” ’ ”

The amendment was carried.

Clause 1 as amended was put and carried.

LONG TITLE.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I move the following amendment :—

‘ For the words, brackets and figures “ under the Requisitioned Land (Continuance of Powers) Act, 1947 ”, substitute the following : “ under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952) ” ’ ”

MR. SPEAKER :—“ Amendment moved—

‘ For the words, brackets and figures “ under the Requisitioned Land (Continuance of Powers) Act, 1947 ”, substitute the following : “ under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952) ” ’ ”

The amendment was carried.

The Long Title as amended was put and carried.

[28th June 1952]

PREAMBLE.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move the following amendment :—

" For the words, brackets and figures " under the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947) ", substitute the following : " under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952) " . " "

MR. SPEAKER :—" Amendment moved—

" For the words, brackets and figures " under the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947) ", substitute the following : " under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952) " . " "

The amendment was carried.

The Preamble as amended was put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

" That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as amended, be passed into law . " "

SRI P. RAMAMURTHI :—" Mr. Speaker, Sir, I wish to make one suggestion. When a Bill has been accepted unanimously by the Select Committee, I wish we evolve a certain procedure which would dispense with all these formalities so that we can straightaway pass the Bill."

MR. SPEAKER :—" As a matter of fact, the Speaker has got the power to put the whole Bill in the second reading stage. But as there were so many amendments, I had to put the Bill clause by clause. If there had been no amendments, I need not have gone through all these formalities. The question is—

" That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as amended, be passed into law . " "

The motion was carried and the Bill as amended was passed into law.

MR. SPEAKER :—" Before I adjourn the House I wish to inform hon. Members that the Agenda for Monday will be sent to their City addresses.

" I now adjourn the House till 8-30 a.m.* on Monday, 30th June 1952."

The House then adjourned.

PAPER LAID ON THE TABLE OF THE HOUSE.
*Report of the Public Accounts Committee on the Accounts
of 1948-49.*

* This was subsequently changed to 10-30 a.m.

28th June 1952]

APPENDIX I.

[Vide answer to starred question No. 4 asked by Sri V. Balakrishnan at the meeting of the Legislative Assembly held on 28th June 1952, page 48 supra.]

Names of the promoters of Messrs. The Fertilisers and Chemicals, Travancore, Limited.

<i>Name.</i>	<i>Address.</i>
1 Seshavee Brothers, Limited.	Tennur, Tiruchirappalli.
2 V. Se hasayee	Sehapuram, Tennur, Tiruchirappalli.
3 A. C. K. Krishnaswamy ..	Reynolds Road, Cantonment, Tiruchirappalli.
4 M. S. V. Naatham	First House, Srirangam.
5 R. Varadarajan	Rangasaranam, Ammamandapam, Srirangam.
6 A. A. Ianthasubramania Aiyar.	South Street, Thiruvanaikoil, Tiruchirappalli.
7 A. S. Sankara Aiyar	Retired Assistant Accountant-General, Trivandrum.
8 J. E. A. Pereira	'Gitanjali', Quilon.

APPENDIX II.

[Vide item VII (4) on page 69 supra.]

ANNEXURE.

[*Note.*—The changes made by the Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

L.A. BILL No. 3 OF 1952.

(As amended by the Select Committee.)

A Bill to provide for continuing, the requisition of, and for acquiring where necessary, certain immovable properties which are now subject to requisition under the Requisitioned Land (Continuance of Powers) Act, 1947.

WHEREAS it is expedient to provide for continuing the requisition of, and for acquiring where necessary, certain immovable properties which are now subject to requisition under the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947); It is hereby enacted as follows:—

1. *Short title, extent and duration.*—(1) This Act may be called the Madras Requisitioned Land (Continuance of Powers) Act, 1952.

(2) It extends to the whole of the State of Madras.

(3) It shall be deemed to have come into force on the 13th day of June 1952, and shall cease to have effect on the 1st day of April 1953 except as respects things done or omitted to be done before that date; and section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if this Act had then been repealed by a Madras Act.

2. *Continuance of requisition.*—All immovable properties which were requisitioned by or under the authority of the State Government and for their purposes under the rules made under the Defence of India Act, 1939 (Central Act

[28th June 1952]

XXXV of 1939), and which at the commencement of this Act continued to be under requisition by virtue of the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947), Madras Act II of 1951 and Madras Ordinance I of 1952, shall continue to be subject to requisition until the expiry of this Act; and the State Government may use or deal with any such immovable property (hereinafter referred to as requisitioned land) in such manner as may appear to them to be expedient:

Provided that the State Government may at any time release any requisitioned land from requisition.

3. *Release from requisition.*—(1) Where any requisitioned land is to be released from requisition, the State Government may, after making such inquiry, if any, as they consider necessary, specify by order in writing the person to whom possession of the land shall be given:

Provided that an order under this sub-section specifying some person other than the person from whom possession of the land was taken at the time of the requisition shall not be passed unless notice is given to the latter, or if he is dead, to his heirs or legal representatives and his or their representations if any, have been considered.

(2) The delivery of possession of the requisitioned land to the person specified in an order made under sub-section (1) shall be a full discharge of the State Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person to whom possession of any requisitioned land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of the land and shall also publish the notice in the *Fort St. George Gazette*.

(4) When a notice referred to in sub-section (3) is published in the "*Fort St. George Gazette*," the land specified in such notice shall cease to be subject to requisition on and from the date of such publication; but the State Government shall be in charge of such land until it is delivered to the person specified in the order under sub-section (1), or to his heirs or legal representatives or to an agent or other person empowered to accept delivery on behalf of such person or his heirs or legal representatives.

(5) The State Government shall not be liable for any compensation or other claim whatsoever in respect of the land for any period after the date of the publication of the notice

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referred to in sub-section (3), in any case, including the case where they are in charge of the land in pursuance of sub-section (4).

4. Power to acquire requisitioned land.—(1) If at any time the State Government are of opinion that it is necessary to acquire any requisitioned land for a public purpose, they may acquire such land by publishing in the *Fort St. George Gazette* a notice to the effect that they have decided to acquire such land in pursuance of this section.

(2) When a notice as aforesaid is published in the *Fort St. George Gazette*, the requisitioned land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the State Government free from all encumbrances, and the period of requisition of such land shall end.

(3) No requisitioned land shall be acquired under this section except in the following circumstances, namely :—

(a) where any works have during the period of requisition been constructed on, in or over, the land wholly or partly at the expense of the State Government and they decide that the value of, or the right to use, such works should be preserved or secured for the purposes of the State Government ; or

(b) where the cost of restoring the land to its condition at the time of its requisition would, in the determination of the State Government, be excessive having regard to the value of the land at that time and the owner declines to accept the release from requisition of the land without payment of compensation from the State Government.

(4) For the purposes of clause (a) of sub-section (3), “works” includes buildings, structures and improvements of every description.

5. Payment of compensation.—(1) In respect of the continued subjection of requisitioned land to requisition under this Act, compensation shall be determined and paid in accordance with the provisions of section 19 of the Defence of India Act, 1939 (Central Act XXXV of 1939), and of the rules made thereunder :

Provided that all agreements and awards for the payment of compensation in respect of any requisitioned land for any period of requisition before the commencement of this Act and in force immediately before such commencement, shall continue to be in force and shall apply to the payment of compensation in respect of that land for any period of requisition after such commencement.

(2) In respect of any acquisition of requisitioned land under this Act, the amount of compensation payable shall be the price which the requisitioned land would have fetched in

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the open market if it had remained in the same condition as it was at the time of the requisition and been sold on the date of acquisition, and such amount shall be determined and paid in accordance with the procedure set out in the aforesaid section 19 and the rules made thereunder.

(3) For the purposes of sub-section (1) all the provisions of the aforesaid section 19 and of the rules made thereunder, and for the purposes of sub-section (2) such of those provisions as relate to matters of procedure, shall be deemed to be continuing in force.

6. *Power to obtain information.*—(1) The State Government may, with a view to carrying out the purposes of sections 2 to 5, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any requisitioned land as may be specified.

(2) Every person required to furnish such information as is referred to in sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Indian Penal Code (Central Act XLV of 1860).

7. *Exercise of Government's powers and duties by others.*—The State Government may, by order notified in the *Fort St. George Gazette*, direct that any power conferred or any duty imposed on them by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be so specified.

8. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this Act or any order made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything, in good faith, done or intended to be done in pursuance of this Act or any order made thereunder.

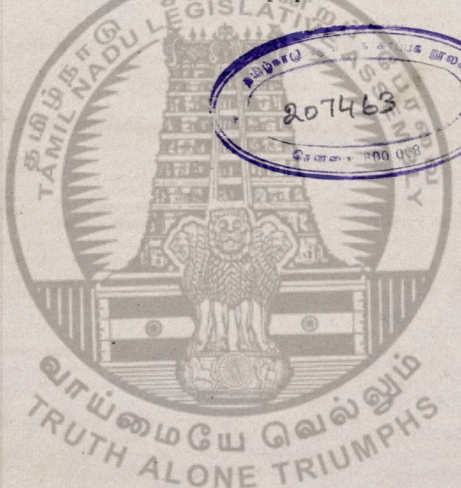
9. *Repeal of Central Act XVII of 1947, Madras Act II of 1951 and Madras Ordinance I of 1952.*—(1) The Requisitioned Land (Continuance of Powers) Act, 1947 (hereinafter referred to as the said Act), in so far as it relates to the immovable properties referred to in section 2, and the enactments continuing the operation of that Act, namely, Madras Act II of 1951 and the Madras Ordinance I of 1952, are hereby repealed :

Provided that anything done or any action taken in the exercise of any power conferred by or under the said Act, at any time before the commencement of this Act, shall be deemed to have been done or taken in the exercise of the

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corresponding power conferred by or under this Act, as if this Act were in force at the time when such thing was done or such action was taken.

(2) For the avoidance of doubt, it is hereby declared that the repeal of the said Act by Central Ordinance III of 1952 and Central Act XXX of 1952 shall not be deemed to have affected the operation of the said Act, as respects any requisitioned land as defined therein which at the time of such repeal was subject to requisition by or under the authority of the State Government and for their purposes.



LIST OF AGENTS FOR THE MADRAS GOVERNMENT PUBLICATIONS.

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ACCOUNT TEST INSTITUTE, Egmore, Madras.
CITY BOOK COMPANY, POST BOX No- 605, Madras-4.
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P. VARADACHARI & Co., Madras.
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